

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 62 and 65-85 are currently pending. Claims 62, 65, 66, 84, and 85 have been amended; and Claims 63 and 64 have been cancelled without prejudice by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 66 was rejected under 35 U.S.C. § 112, second paragraph, regarding the terminal storage unit; and Claims 62-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,572,442 to Schulhof et al. (hereinafter “the ‘442 patent”) in view of U.S. Patent No. 5,963,916 to Kaplan (hereinafter “the ‘916 patent”), further in view of the Fujimura et al. reference (“Usability/Serviceability Improvement and Value-Add Processing in File Transfer”).

Applicants respectfully submit that the rejection of Claim 66 under 35 U.S.C. § 112, second paragraph, is rendered moot by the present amendment to that claim. Claim 66 has been amended to clarify the storage of the terminal device and to delete “a terminal storage unit.” Accordingly, Applicants respectfully submit that the rejection is rendered moot.

Amended Claim 62 is directed to a content data updating system including a host device, a terminal device, and a portable reproducing apparatus connected to the terminal device, the host device comprising: (1) a host communication unit configured to communicate with the terminal device; (2) a storage unit configured to store a plurality of the content data and a corresponding plurality of associated data, each of the associated data being attached to a corresponding content data; and (3) a control unit configured (a) to identify a plurality of requested content data based on a user request sent from the terminal device, and (b) to control sending of the plurality of requested content data together with the

associated data of the plurality of the requested content data to the terminal device. Further, Claim 62 recites that the terminal device includes (1) a terminal communication unit configured to communicate with the host device; and (2) a terminal control unit configured (a) to cause the terminal communication unit to send the request to the host device based on user input, (b) to cause the terminal communication unit to receive the plurality of requested content data together with the plurality of the associated data, (c) to determine whether each of the plurality of the requested content data is new content data, after the terminal communication unit receives the plurality of requested content data, by checking the corresponding associated data sent by the control unit of the host device, and (d) to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, wherein the terminal control unit is configured to cause the terminal communication unit to send the request to the host device in response to the portable reproducing apparatus being connected to the terminal device. No new matter has been added.¹

Applicants respectfully submit that the rejection of Claim 62 (and all associated dependent claims) is rendered moot by the present amendment to that claim.

Regarding the rejection of Claim 62 under 35 U.S.C. § 103(a), the Office Action asserts that the '442 and '916 patents discloses everything in Claim 62 with the exception of a terminal control unit configured to determine whether each of the plurality of requested content data is new content data by checking the corresponding associated data sent by the control unit of the host device, and to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, and relies on the Fujimura et al. reference to remedy those deficiencies.²

¹ See, e.g., Fig. 5 and previous Claims 63 and 64.

² In this regard, Applicants note that page 4 of the outstanding Office Action does not clearly state what is missing from the combined teachings of the '442 and '916 patents. While the Office Action on page 4 states the

The '442 patent is directed to a system for distributing subscription and on-demand audio programming, including a library containing a plurality of audio program materials stored in a digital format; a program selection module that allows a subscriber to request program materials contained within the library; and an information request manager that selects program materials chosen by the subscriber from the library and forwards the selected program material to a data transmission system for distribution to the subscriber.

However, Applicants respectfully submit that the '442 patent fails to disclose a terminal control unit configured to cause the terminal communication unit to receive a plurality of requested content data together with the plurality of associated data, to determine whether each of the plurality of the requested content data is new content data, after the terminal communication unit receives the plurality of requested content data, by checking the corresponding associated data sent by the control unit of the host device, and to control updating a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, as recited in amended Claim 62.

Further, the '442 patent fails to disclose that the terminal control unit is configured to cause the terminal communication unit to send the request to the host device in response to the portable reproducing apparatus being connected to the terminal device, as recited in amended Claim 62. Rather the '442 patent merely discloses that when the '442 portable device is connected to a cable television converter, the user select audio programs using a remote control from the programs displayed on a television screen.

The '916 patent is directed to a method for enabling a remote user to preview a portion of a prerecorded music product from a network website that contains preselected portions of different prerecorded music products. In particular, the '916 patent discloses that,

deficiencies of the '442 patent, it does not indicate what deficiencies of the combination of the '442 and '916 patents that the Fujimura et al. reference cures. Rather, the Office Action merely states what the '916 patent discloses.

once the user accesses the website, the user may choose at least one preselected portion of a prerecorded music product from a central host server, receive the chosen preselected portion of the recorded product, and interactively preview the chosen product portion of the prerecorded music product. Further, in an alternative embodiment, the '916 patent discloses a kiosk system in which the user can interact with a touch screen to listen to or preview music. In particular, as shown in Figure 5A, the user can be shown the screen 2, in which the user is asked to select a category to search, the categories including "radio station hits," "billboard," and "new releases."

However, Applicants respectfully submit that the '916 patent fails to disclose a terminal device including a terminal control unit configured to determine whether each of the plurality of the requested content data is new content data, after the terminal communication unit receives the plurality of requested content data, by checking the corresponding associated data sent by the control unit of the host device, and to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, as recited in amended Claim 62.

The Fujimura et al. reference is directed to a system in which one or more files is transferred from a sender to a receiver for storage. In particular, as shown in the only figure in the Fujimura et al. reference, the "file associated information" (FAI), which is associated with a corresponding file, includes a file ID, data type, data size, code page, and file date fields. Further, the Fujimura et al. reference discloses that the file associated information corresponding to all of the files stored at the sender is first transmitted to a receiver device. Further, the Fujimura et al. reference discloses that the receiver stores the received FAI information in a local storage, checks the required disk space, and requests the sender to send only selected files, for example, because the disk storage space is limited. In an alternative embodiment, the Fujimura et al. reference discloses that the receiver can request that only

files having “newer” file dates be transferred to the receiver. In any case, the Fujimura et al. reference discloses that the receiver requests, based on the received FAI information, particular files to be sent from the sender to the receiver, after which the sender device transfers the file data corresponding to the selected files to the receiver device.

However, Applicants respectfully submit that the Fujimura et al. reference fails to disclose a terminal device having a terminal control unit that is configured to determine whether each of the plurality of the requested content data is new content data, after the terminal communication unit receives the plurality of requested content data, by checking the corresponding associated data sent by the control unit of the host device, and to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, as recited in amended Claim 62. In particular, Applicants note that the Fujimura et al. reference fails to disclose that the plurality of requested content together with the plurality of associated data are received by the terminal communication unit, and then after the plurality of requested content data and the associated data are received, the terminal control unit determines whether each of the requested content data is new content by checking the corresponding associated data, as required by amended Claim 62. Rather, the Fujimura et al. reference discloses that only the file associated information is transferred first to the receiver, which then selects particular files to be sent from the sender device. The Fujimura reference does not disclose that the plurality of requested content data and the associated data are sent to the terminal communication unit of a terminal device, and then it is determined, by checking the corresponding associated data, whether each of the plurality of requested content data is new content data, as required by Claim 62.

Thus, no matter how the teachings of the ‘442 patent, the ‘916 patent, and the Fujimura et al. reference are combined, the combination does not teach or suggest a terminal

device including a terminal control unit configured to determine whether each of the plurality of the requested content data is new content data, after the terminal communication unit receives the plurality of requested content data, by checking the corresponding associated data sent by the control unit of the host device, and to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device, wherein the terminal control unit is configured to cause the terminal communication unit to send the request to the host device in response to the portable reproducing apparatus being connected to the terminal device, as recited in Claim 62. Accordingly, Applicants respectfully submit that the rejection of Claim 62 (and all associated dependent claims) is rendered moot by the present amendment to that claim.

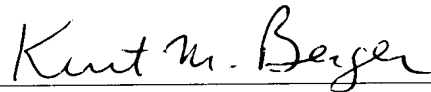
Independent Claims 84 and 85 are directed to a terminal device and a method implemented by a terminal device, respectively, and recite limitations analogous to those recited in amended Claim 62. In particular, Claims 84 and 85 have been amended in a manner analogous to the amendment to Claim 62. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 84 and 85 are rendered moot by the present amendment to those claims.

Thus, it is respectfully submitted that independent Claims 62, 84, and 85 (and all associated dependent claims) patentably define over any proper combination of the '442 patent, the '916 patent, and the Fujimura et al. reference.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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